

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 11-cv-02785-BNB

LEONARDO RAMOS-HERNANDEZ, and
ALL PERSONS SIMILARY (sic) SITUATED, and as
NEXT FRIEND OF THE VICTIMS OF THE RACKETEERING ENTERPRISE,

Plaintiff,

v.

POPLAR, INC., a corporation, a/k/a
POPULAR WAREHOUSE LENDING, LLC, a/k/a
POPULAR MORTGAGE SERVICING, INC., a/k/a
POPULAR EQUIPMENT FINANCE, INC., a/k/a
POPULAR FINANCIAL SERVICES, LLC,
WILLIAM MIRANDA-TORRES, individually and in his official capacity as
City Mayor of Caguas, PR,
ANGEL R. PAGAN-OCASIO, an individual,
ANTHONY CUEVAS-RAMOS, an individual,
LILIA M. ORTIZ-PUIG, an individual,
REBECCA DE_LEON-RIOS, an individual,
GUSTAVO ANTONIO GELPI, JR., an individual,
JUAN M. PEREZ-GIMENEZ, an individual,
HECTOR MANUEL LAFFITTE, an individual,
PEDRO JUAN ROSSELLO-GONZALEZ, an individual,
SILA MARIA CALDERON-SERRA, an individual,
MARIA OCASIO, an individual,
VICTOR SUAREZ-MELENDEZ, an individual,
LUIS GUILLERMO FORTUNO-BURSET, in his official capacity as President of
the New Progressive Party,
JUAN RAMON ZALDUONDO-VIERA, an individual,
JOSE A. FUENTES AGOSTINI, an individual,
HECTOR J. FERRER-RIOS, an individual,
ALEJANDRO GARCIA-PADILLA, individually and in his official capacity as President of
the Popular Democratic Party,
NICOLAS GAUTIER-VEGA, an individual,
HECTOR J. CONTY-PEREZ, an individual,
JUAN DALMAU-RAMIREZ, an individual,
JOSEPH LAWS, an individual,
SANDRA LYNCH, an individual,
AIDA M. DELGADO-COLON, an individual,
JOSE A. FUSTE, an individual,

CARMEN CONSUELO CEREZO, an individual,
DANIEL R. DOMINGUEZ, an individual,
FRANCISCO BESOSA, an individual,
JUAN R. TORRUELLA, an individual,
MICHAEL BOUDIN, an individual,
KERMIT LIPEZ, an individual,
JEFFREY R. HOWARD, an individual,
OJETTA ROGERIEE THOMPSON, an individual,
PEDRO A. DELGADO-HERNANDEZ, an individual,
OSCAR DAVILA-SULIVERES, an individual,
CARLOS LOPEZ-FELICIANO, an individual,
HERIBERTO SEPULVEDA-SANTIAGO, an individual,
DOLORES RODRIGUEZ-DE_ORONoz, an individual,
FEDERICO HERNANDEZ-DENTON, an individual,
LIANA FIOL-MATTA, an individual,
ANABELLE RODRIGUEZ-RODRIGUEZ, an individual,
GRETCHEN COLL-MARTI, an individual,
CARLOS A. CABIN-GARCIA, an individual,
NELIDA JIMENEZ-VELAZQUEZ, an individual,
CARMEN HILDA CARLOS-CABRERA, an individual,
TROADIO GONZALEZ-VARGAS, an individual,
CARLOS SOLER-AQUINO, an individual,
JUAN R. MELECIO-MACHUCA, an individual,
O'NEILL & BORGES, an association,
STATE ELECTIONS COMMISSION,
COMMONWEALTH OF PUERTO RICO, and
POPULAR DEMOCRATIC PARTY, a political party,

Defendants.

HOUSING FINANCING AUTHORITY, a government corporation,

Party With Interest,

ORDER OF TRANSFER

Plaintiff, Leonard Ramos-Hernandez, filed a first amended complaint in which he asserts jurisdiction pursuant to "RICO Act (1970) 18 U.S.C. § 1964" and "Alternatively

under the “KuKluxKlan Act (1871) 28 U.S.C. § 1964.” ECF No. 4 at 8. He contends that venue is proper in this Court:

under § 1965(a) because Popular Inc. has availed itself of the protection of the laws of Colorado . . . [and] 1965 venue is proper under doctrine of Judicial Necessity USA vs Laughner 11-cr-00187-LAB (D. Arizona, PHX Div.).

ECF No. 4 at 8.

The Court must construe Mr. Ramos-Hernandez's filings liberally because he is representing himself. **See Haines v. Kerner**, 404 U.S. 519, 520-21 (1972); **Hall v. Bellmon**, 935 F.2d 1106, 1110 (10th Cir. 1991). However, the Court should not be the **pro se** litigant's advocate. **Hall**, 935 F.2d at 1110. For the reasons stated below, the first amended complaint and the action will be transferred.

The Court disagrees that venue is proper in the District of Colorado. The Arizona case to which Mr. Ramos-Hernandez refers, **United States v. Jared Lee Loughner**, No. 11-cr-00187-LAB-1 (filed D. Ariz. Jan. 9, 2011), concerns the events of January 8, 2011, in Tucson, Arizona, which resulted in the death of United States District Judge John M. Roll. In No. 11-cr-00187-LAB-1, because the impartiality of the district and magistrate judges in the District of Arizona might reasonable be questioned, all district and magistrate judges in the District of Arizona have been disqualified from presiding in the case and all related matters. The Court fails to see how No. 11-cr-00187-LAB-1 bears any relevance to whether venue is proper in this Court. In addition, the Court fails to see how whether or not Popular, Inc., has availed itself of the protection of the laws of Colorado bears any relevance to venue.

Because Mr. Ramos-Hernandez asserts federal question jurisdiction, venue is only proper in this Court if:

A civil action wherein jurisdiction is not founded solely on diversity of citizenship may, except as otherwise provided by law, be brought only in (1) a judicial district where any defendant resides, if all defendants reside in the same State, (2) a judicial district in which a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part of the property that is the subject of the action is situated, or (3) a judicial district in which any defendant may be found, if there is no district in which the action may otherwise be brought.

28 U.S.C. § 1391(b).

Venue is improper under § 1391(b)(1) because, although one defendant, Popular, Inc., may or may not reside in Colorado, § 1391(b)(1) requires all defendants to reside in the same state. Because a substantial part of the events or omissions giving rise to the complaint occurred in Puerto Rico, under § 1391(b)(2) venue is proper there. Section 1391(b)(3) does not apply because there is a district in which the action may otherwise be brought, i.e., the District of Puerto Rico. Therefore, the action will be transferred to the United States District Court for the District of Puerto Rico. In the interest of justice, a federal court may transfer a case filed in the wrong district to the correct district. **See** 28 U.S.C. § 1406(a).

Accordingly, it is

ORDERED that the first amended complaint and the action are transferred to the United States District Court for the District of Puerto Rico, Clemente Ruiz-Nazario U.S. Courthouse & Federico Degetau Federal Building, 150 Carlos Chardon Street, Hato Rey, P.R. 00918.

DATED at Denver, Colorado, this 4th day of January, 2012.

BY THE COURT:

s/Lewis T. Babcock
LEWIS T. BABCOCK, Senior Judge
United States District Court